

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

SECOND REVISED AGENDA

AGENDA FOR REGULAR CITY COUNCIL MEETING

August 21, 2007
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police and Fire Chaplain Sam Faraone
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. FIESTA DE LAS FLORES

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA**1. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of August 14, 2007, and the Special City Council Meeting Minutes of August 13, 2007 (Joint Meeting with County Commissioners Court). [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Ann Morgan Lilly

3. RESOLUTION(S):

- 3A.** That the City Manager be authorized to sign a Contract of Sale between the City Of El Paso and Alberto Cipriano and Julia G. Cipriano for the purchase of

1575 square feet, more or less, being the southerly 15 feet of Lot 8, Block 17, Franklin Hills, Unit Two, El Paso, El Paso County, Texas, also known as 6398 Franklin Summit,

to be acquired for a Storm 2006 Project known as the Franklin Summit Drainage Improvements, and that the City Manager, or her designee, be authorized to sign any necessary documents to accomplish the intent of this Resolution.

Project #: PSTM06 PW111-0; Fund: 27264; Department: 14200500; Account: 508000 (**District 1**) [Development & Infrastructure Services, Patricia D. Adaauto, 541-4853]

- 3B.** That the Purchasing Manager is authorized to notify Ledesma's, that the City is terminating Contract No. 2006-066 pursuant to the provisions and requirements of Section C 8A of the Contract Clauses due to convenience and that the termination shall be effective as of August 21st 2007. Department: Streets (**All Districts**) [Financial Services/Purchasing, Terrence Freiburg (915) 541-4313]

- 3C.** Request to approve an Interlocal Agreement, Nonprofit Subscriber Agreement and Resolution authorizing the City of El Paso to participate in the Texas Association of School Boards, Inc., Cooperative Purchasing Buyboard. Additionally, it is requested authorization for the Purchasing Manager to issue purchase orders as necessary to purchase against Buyboard contracts as appropriate. (**All Districts**) [Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 3D.** That the Mayor be authorized to sign an interlocal agreement between the City of El Paso and Texas Tech University Health Sciences Center granting the use of a city vehicle by the El Paso Emergency Medical Service System (EMSS) Medical Director to perform the duties of his position including response and on-scene medical oversight. **(All Districts)** [Fire Department, Manuel Chavira, 915-771-1000]
- 3E.** That the City Manager be authorized to sign a lease agreement by and between the City of El Paso and the United States Department of the Army, Fort Bliss Military Installation, Biggs Army Airfield, Texas, to lease military reservation property for public and recreational purposes, specifically for the construction and maintenance of a soccer complex. **(All Districts)**
[Parks and Recreation, Barry Russell, (915) 541-4292]

4. BOARD RE-APPOINTMENT(S):

- 4A.** Jane Ratcliff to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Melina Castro, District 4.
[Representative Melina Castro, (915) 541-4400]
- 4B.** Miguel Grijalva to Community Development Steering Committee by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]
- 4C.** Margie Aguilar-Desrosiers to Building & Standards Commission by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]

5. BOARD APPOINTMENTS:

- 5A.** Hugo A. Gardea to the Historic Landmark Commission by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, Jr., (915)-541-4178]
- 5B.** Fernando Chacon, Jr. to the Civil Service Commission by Representative Eddie Holguin, Jr., District 6. [Representative Eddie Holguin, Jr., (915)-541-4178]
- 5C.** Raymundo Rodriguez to the Civil Service Commission by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

6. APPLICATIONS FOR TAX REFUND:

That the tax refunds listed on the attachment posted with this agenda be approved.
(See Attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

7. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

Council Ratification of contracts for the acquisition of properties affected by Storm 2006 and for bridge assistance on purchase of replacement properties in the area referred to as the Saipan & Mowad Subdivision. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.
(All Districts) [Development & Infrastructure Services, Patricia D. Adauto, 541-4853]

8. PURCHASING REQUESTS TO ISSUE PURCHASE ORDERS, ETC.:

- 8A.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue a Purchase Order to Texas Cable Partners LP d/b/a Time Warner Cable, the sole source under Local Government Code Section 252.0215 7C, (other utility services) and the current provider of service of government access

programming to the City of El Paso on cable channel 15 as mandated by Senate Bill 5. This will allow the successful transition for government access programming to the City of El Paso. Billing will be done on a month to month basis at a rate of \$6,700.00 per month until completion of the transition period.

Department: Information Services
 Total Estimated Amount: \$46,900 (7 months)
 Account No.: 39010351 – 01101 - 502205
 Funding Source: Information Services, Operating Account,
 Outside Contract NOC
 Reference No.: 2007-244
District(s): Citywide

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 8B.** Request that the Purchasing Manager for Financial Services, Purchasing Division, be authorized to issue Purchase Order(s) to AutoVu Technologies, Inc., the sole source manufacturer and the sole provider of the AutoPatrol Law Enforcement License Plate Recognition Unit and its associated software, in the amount of \$50,800.

Department: Police
 Total Amount: \$50,800
 Account No.: 508007-05918-21150002-G210702 (\$30,000.00)
 508010-16371-21150060-P500231 (\$20,800.00)
 Funding Source: Auto Theft Prevention Authority Grant FY2007 and
 Federal Confiscated Funds
 Sole Source No.: 2007-246
District(s): All

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

- 8C.** Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend Contract 2004-021R (Public Officials Errors & Omissions Liability Insurance) which was awarded on February 3, 2004, to the vendor listed below, for one (1) additional year, from September 1, 2007, through August 31, 2008.

Department: OMB/Insurance & Benefits
 Award to: Rogers & Belding Insurance Agency, Inc.
 El Paso, Texas
 Option No.: One of Two
 Account No.: 99010273 – 01101 - 504402
 Funding Source: OMB/Insurance & Benefits, Operating Account,
 General Liability Insurance Ex
 Estimated Annual Amount: \$235,250
District(s): All

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

9. BID(S):

The award of Solicitation No. 2007-211 (Auto Brake Shoes, Pads & Hardware) to Main Auto Parts for a total estimated award of \$210,000.

Department: General Services- Fleet Division
 Award to: Main Auto Parts

Item(s): El Paso, Texas
 #1 to #5
 Option: Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional year(s) if the option is exercised within three years from the date of the award. Vendor also offers the City a prompt payment discount of 2% ten (10) days.
 Annual Estimated Amount: \$70,000
 Account No.: 37370510 – 503121 - 45202
 Funding Source: General Services Department, Fleet Services Internal Service Fund
 Total Estimated Award: \$210,000
District(s): All

This is a requirements type contract with an initial term of thirty six (36) months.

The Departments of Financial Services and General Services-Fleet Division recommend award as indicated to the lowest responsive, responsible bidder.

[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]

10. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2007-1249 EL PASO CONVENTION & PERFORMING ARTS CENTER

Budget transfer is to cover unanticipated increases in electricity needs for FY 2007 and to reflect the additional revenue earned by the Convention Center, which will offset existing expenditures.

Increase	\$169,108	Fund Balance Transfer
Increase	\$169,108	Electricity
Increase	\$100,000	Facility Rentals Revenue
Increase	\$100,000	Management Consulting Services

(All Districts)

[El Paso Convention & Performing Arts Center, William Blaziek, (915) 534-0608]

[Office of Management and Budget, David Almonte, (915) 541-4777]

REGULAR AGENDA - INTRODUCTIONS

11. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

- 11A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 Schedule IV (Parking Prohibited during Certain Hours on Certain Streets), Paragraph H (No Parking 7:00 a.m. to 5:00 p.m.) of the El Paso City Code, to add a new location of Commerce Avenue between Humble Place and Hawkins Boulevard, both sides. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code; and amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III, Parking Prohibited at All Times on Certain Streets) of the El Paso City Code to delete Paragraph 138. The penalty being as provided in Section 12.84.010 (Violation - Penalty) of the El Paso City Code. **(District 3)**
 [Engineering Department, Traffic Division, Ted Marquez, 541-4035]

- 11B.** An Ordinance amending Ordinance 8064 (Classification and Compensation Plan) to amend the Classification and Compensation Plan in its entirety. **(All Districts)**
[Human Resources, Linda B. Thomas, (915) 541-4509]

PUBLIC HEARING WILL BE HELD ON AUGUST 28, 2007, FOR ITEMS 11A –11B

- 11C.** An Ordinance of the City of El Paso, Texas, authorizing the City Manager to execute Special Warranty Deeds or other documents as required for the phased sale and conveyance as recommended by the President/CEO of El Paso Water Utilities of the following described real property to Hunt Communities, LLC, the highest bidder, such land totaling approximately 4,832.99 acres of land out of portions of Sections 17, 18, 19, and 20, Block 80, Township 1, and Sections 13, 14, 18, 19, 20, and 23, Block 81, Township 1, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, located in Northeast El Paso. **(District 4)** [El Paso Water Utilities, Robert D. Andron, (915) 594-5607]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 4, 2007, FOR ITEMS 11C

- 11D.** An Ordinance changing the zoning of Tract 1C, Block 8, Ysleta Grant, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Applicant: Jose Manuel Hernandez. ZON07-00061 **(District 7)**
[Development Services/Planning, Frank Delgado, (915) 541-4238]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 11, 2007, FOR ITEMS 11D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

12. FINANCIAL SERVICES

Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to exercise the City's option to extend Contract 2004-088R (800 MHz Trunked Simulcast Radio System/800 MHz Conventional System Fixed Equipment Maintenance) which was awarded on August 29, 2006, to the vendor listed below, for one (1) additional year, from September 1, 2007, through August 31, 2008.

Department:	Information Technology
Award to:	Motorola, Inc.
	Albuquerque, NM
Option No.:	Two of Five
Account No.:	39010352 – 01101 - 502229
Funding Source:	Information Services Operating Account, Office Equipment Maintenance Contracts
Annual Total:	\$641,828.52
District(s):	All
[Financial Services/Purchasing, Terrence Freiburg, (915) 541-4313]	

REGULAR AGENDA – PUBLIC HEARINGS**13. PUBLIC HEARING(S) – DEVELOPMENT SERVICES**

- 13A.** An Ordinance changing the zoning of the following real property described as: a portion of Tract 1, Block C, Christy Tract, an addition to the City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-4 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 481 Yarbrough Drive. Applicant: Carlos Carrillo. ZON07-00057 **(District 7)** [Development Services/Planning, Arlan Greer, (915) 541-4723]
- 13B.** An Ordinance vacating a portion of the dam site and drainage right-of-way as shown on the plat of Claussen Canyon, City of El Paso, El Paso County, Texas. Location: Northeast location from the intersection of Lost Padre Mine Drive and Camino Alto Drive, a portion of Claussen Canyon dam site and drainage Right-of-Way. Applicant: Paul L. Foster. SUB07-00021 **(District 1)** [Development Services/Planning, Christina Stokes, (915) 541-4627]
- 13C.** An Ordinance amending Title 5, El Paso City Code (Business Taxes, Licenses and Regulations), Chapter 5.24 (Charitable Solicitations), by amending Section 5.24.010 (Definitions) in its entirety, by deleting Section 5.24.020 (Charitable Solicitations Commission) in its entirety and amending section 5.24.150 (Denial of a Permit) to allow for an administrative appeals process. The penalty being as provided in Sections 1.08.010 - 1.08.030 of the City Code. **(All Districts)** [Development Services, R. Alan Shubert, (915) 541-4557]
- 13D.** An Ordinance vacating all of a 15-foot wide alley (0.0413 acres of land) east of Lot 7, Block 8, Home Improvement Co. Subdivision, City of El Paso, El Paso County, Texas. SUB07-00036 **(District 6)** [Development Services/Planning, Michelle Padilla (915) 541-4903]

14. PUBLIC HEARING(S) – HUMAN RESOURCES:

- 14A.** An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 6, Certification; Rule 7, Provisional and Temporary Appointments; Rule 8, Applications; Rule 9, Examination, Marking, and Rating; Rule 10, Original Entrance Examination; Rule 11, Promotional Process; Rule 12, Eligible Lists; Rule 13, Leave of Absence, Resignation, Sick Leave, and Vacations; Rule 14, Efficiency Ratings; Rule 26, Permanent Part-Time Employees. **(All Districts)** [Human Resources, Linda B. Thomas, (915) 541-4509]
- 14B.** An Ordinance granting authority to the City Manager or the Department Head to enter into and sign certain Personal and Professional Service Contracts, and all Employment and Volunteer Service Contracts on behalf of The City and to repeal Ordinance No. 16072 pertaining to the same subject. **(All Districts)** [Human Resources, Linda B. Thomas, (915) 541-4509]

15. PUBLIC HEARINGS – OFFICE OF MANAGEMENT AND BUDGET:

- 15A.** Second public hearing on the City of El Paso's proposed property tax rate increase. **(All Districts)**
[Office of Management and Budget, David Almonte, (915) 541-4777]
- 15B.** Public hearing on the proposed budget for the City of El Paso for fiscal year 2008. **(All Districts)** [Office of Management and Budget, David Almonte, (915) 541-4777]

REGULAR AGENDA – OTHER BUSINESS

16. OFFICE OF MANAGEMENT AND BUDGET:

Discussion and action on a Resolution that the Proposed Budget for the City of El Paso, filed by the City Manager with the City Clerk on July 2, 2007, is hereby approved and adopted by the City Council as amended, as the Annual Budget for Fiscal Year 2008 for the City of El Paso, Texas. **(All Districts)**
[Office of Management and Budget, David Almonte, (915) 541-4777]

17. MAYOR AND COUNCIL:

- 17A.** Discussion and action on directing staff to develop an interlocal agreement and program that would enable the City to sell "struck off" properties at a minimal price in order to create more affordable housing options for El Pasoans.
[Representative Susie Byrd, (915) 541-4416]
- 17B.** Discussion and action regarding the wording used when posting a Special City Council Meeting as opposed to the wording and/or procedures used when posting a "Presentation" for City Council and the public when City Representatives do not necessarily need to be present.
[Representative Jose Alexandro Lozano, (915) 541-4515]
- 17C.** Discussion and action regarding the following: The ceasing of the contract between the City of El Paso and the El Paso Community College for the relocation of the Cielo Vista Library from the Multi-Purpose Center to the El Paso Community College; Why the City library should stay on City property and remain at the Multi-Purpose Center to create a family atmosphere there for everyone including seniors, youth and students; and Why the City of El Paso should not have to spend taxpayers' money for acquisition costs.
[Representative Jose Alexandro Lozano, (915) 541-4515]

18. FINANCIAL SERVICES:

Discussion and action on a Resolution that City staff adopt policy guidelines when identified parcels of the City of El Paso's real property are processed for sale or other disposition. **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4293]

19. CITY MANAGER:

City Manager's report of current events and issues:

Regional tourism research through the application of networks - An MCAD-Universidad Autonoma de Ciudad Juarez (UACJ) Project.

[Museums and Cultural Affairs, Yolanda Alameda, (915) 541-4896]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Claim of Armando Montanez, Our File No. 07-C-093/Police. (551.071)
[City Attorney's Office, Karla M. Nieman, (915) 541-4550]

EX2. Workers' Compensation subrogation interest regarding Kenny Huynh. (551.071).
[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>